

Remarks

Claims 47-49 were rejected under §112, first paragraph, for referring to an "original" relaxed position. As is apparent from the discussion at page 3, lines 16-23, in which the positions of the substrate are explained, one of skill in the art would appreciate what is meant by "original" relaxed position. Nevertheless, the word "original" has been excised from claim 47 in the interest of advancing the application. Of course this change does not require further search and/or consideration because the claims previously referred to the relaxed position. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 47 and 49 were rejected as unpatentable over WEIL 5,617,900 and claim 48 was rejected as unpatentable over WEIL in view of ROCKNEY et al. 5,660,899. Reconsideration and withdrawal of the rejections are respectfully requested.

The claims include a tubular substrate that is elastically deformable between a relaxed configuration and an expanded configuration in which a length or radius of the substrate is larger than in the relaxed configuration. The exterior surface of the substrate has recesses therein. Note that the substrate expands from the relaxed configuration.

The claims also include a foil that is fixed to the substrate and has plural indentations that correspond to the

recesses when the substrate is in the relaxed configuration. The indentations disappear when the substrate is elastically deformed from the relaxed configuration to the expanded configuration.

The Official Action states that since WEIL discloses a sheath that comprises flexible and resilient materials, the sheath can be expanded from its relaxed position. This is not correct. The relaxed position in WEIL is one in which the sheath is already expanded. It cannot be expanded any farther. Further expansion is blocked by the foil 32 that forms the heat retarding layer 30. The foil 32 is not expandable from the relaxed configuration shown in Figure 3 of WEIL. The foil 32 may be aluminum which does not expand. Consequently, even if the inner tubular member 20 could expand farther, the presence of the foil 32 surrounding the member 20 prevents the further expansion of the sheath.

The Official Action also states that the foil comprises indentations that will not revert back to a smooth state in the expanded state, and that in view of this the sheath can be expanded further from its expanded state. This statement is contradictory. If the indentations will not revert back to a smooth state, how can the sheath expand farther? Presumably, the Examiner means that the indentations will revert back to a smooth state if the sheath is forcibly expanded enough to cause the indentations to disappear. However, if the sheath can be

expanded further it would then expand back to its "expanded state," in which event the foil was not in the expanded state before the further expansion.

As previously noted, WEIL is opposite the invention of claims 47-49. As explained at column 2, lines 61-65 and column 3, lines 28-36, WEIL discloses a tubular substrate that is elastically deformable between a relaxed configuration and a contracted configuration in which a length or radius of the substrate is smaller than in the relaxed configuration. The exterior surface of the substrate has recesses therein only in the contracted configuration. Note that the substrate contracts, rather than expands, from the relaxed configuration. WEIL also discloses a foil that is fixed to the substrate and has plural indentations that correspond to the recesses when the substrate is in the contracted configuration, not the relaxed configuration as claimed in claim 48. The indentations disappear when the substrate is restored from contracted configuration to the relaxed configuration.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

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overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Thomas W. Perkins, Reg. No. 33,027
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

TWP/lrs